

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KENNETH ADRIAN FULLER,
Plaintiff,

v.

CITY OF SANTA ROSA, et al.,
Defendants.

Case No. [19-cv-04695-YGR](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

Plaintiff filed the present *pro se* prisoner complaint under 42 U.S.C. § 1983.

On November 22, 2019, Plaintiff filed a notice of change of address to a non-prison address, and thus it seems that he has since been released from custody.¹ Dkt. 5.

In an Order dated January 13, 2020, the Court directed Plaintiff to file a non-prisoner *in forma pauperis* application form. Dkt. 6. The Clerk mailed a copy of the January 13, 2020 Order to Plaintiff at his non-prison address. *See* Dkt. 6-1.

On February 19, 2020, the January 13, 2020 Order mailed to Plaintiff was returned to the Clerk with a notation that it was undeliverable for the following reasons: “RETURN TO SENDER. ATTEMPTED - NOT KNOWN. UNABLE TO FORWARD.” Dkt. 7. To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding *pro se* whose address

¹ The Court notes that on October 15, 2019 in Plaintiff’s other action, Case No. C 19-3528 YGR (PR), mail sent to Plaintiff by the Clerk was returned as undeliverable with a notation, “RTS NIC,” which stands for “Return to Sender, Not in Custody.” Dkt. 10 in Case No. C 19-3528 YGR (PR).

changes while an action is pending must promptly file a notice of change of address specifying the new address. *See* L.R. 3-11(a). The Court may dismiss without prejudice a complaint when: (1) mail directed to the *pro se* party by the Court has been returned to the Court as not deliverable, and (2) the Court fails to receive within sixty days of this return a written communication from the *pro se* party indicating a current address. *See* L.R. 3-11(b).

More than sixty days have passed since the mail directed to Plaintiff by the Court was returned as undeliverable. The Court has not received a notice from Plaintiff of a new address. Accordingly, the complaint is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The Clerk of the Court shall terminate all pending motions and close the file.

IT IS SO ORDERED.

Dated: May 29, 2020


YVONNE GONZALEZ ROGERS
United States District Judge